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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,658	12/01/2003	William C. Stephens	STE-001	2341
7590	10/07/2005		EXAMINER CAMPBELL, KELLY E	
Jeffrey K. Seto 406 Riverland Dr. Salem, VA 24153			ART UNIT 3618	PAPER NUMBER
DATE MAILED: 10/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/724,658

Applicant(s)

STEPHENS, WILLIAM C.

Examiner

Kelly E. Campbell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to applicant's limitation "...wherein a speed of the vehicle does not increase when an additional amount of pressure is exerted on the gas pedal....";

When a user initially lightly engages a pedal, the speed would be a lesser speed, than when the user fully depresses the gas pedal. It is unclear to the examiner whether the applicant is referring to a fixed speed control or if the applicant is implying that the invention only has one, single speed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-5,9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray (US 1,381,870) in view of Musat (US 6,202,779) and Gift (US 6,349,786).

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Gray teaches a motorized vehicle with multiple safety features that make the vehicle safe for operation by young drivers including children, the vehicle comprising: a frame that is attached to a front axle and a rear axle, wherein the front axle is mechanically connected to two front tires and the rear axle is mechanically connected to two rear tires;

two fenders for covering the tires, see Figure 1;

a motor (14), see Column 1, that is located in a front of the vehicle,

a transmission that is located in a rear of the vehicle,

wherein the transmission includes a shift lever (47) that can be used to shift the transmission between neutral, forward and backwards;

the transmission (20, 12x) being indirectly connected to the motor (14) by a drive belt (21) that extends from the front of the vehicle to rear of the vehicle and below a level of the frame;

a driver's seat that is located in a middle of the vehicle, a vehicle floor that extends across the middle of the vehicle,

the vehicle floor (silent), see Figure 1, separating the driver from the drive belt and other moving parts underneath of the vehicle;

a steering wheel (13) that is mechanically connected to a steering assembly that is capable of steering the vehicle; and a disk braking system (74-78).

Gray does not teach a gas pedal (59) that is capable of engaging the transmission, wherein the transmission is disengaged when no pressure is exerted on the gas pedal.

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Musat teaches a vehicle having an arrangement including a transmission (18) located near and operating rear wheels (24), the transmission (18) being connected to the engine of the vehicle via a drive belt (34) that extends from the front to the rear of the vehicle and below a level of the frame, see Figure 2,

and a gas pedal (60) that is capable of engaging the transmission via accelerator rod (61), wherein the transmission is "dis-engaged" when no pressure is exerted on the gas pedal,

a brake pedal (62) mechanically connected to a braking system capable of slowing the vehicle.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the motorized children's vehicle with belt transmission, to include a gas pedal engagement assembly as taught by Musat for maintaining a neutral position of the vehicle until the user depresses the gas, to minimize a user's fatigue in operating a separate clutch engagement lever, or device, and provide a cart that can be started at the very lowest speed.

Gray modified by Musat, does not teach a kill switch for the motor power device.

Gift teaches a motorized children's cart having a roll bar frame for protecting the user during a turn-over incident and a circuit device (3,53) capable of opening an electric circuit, see Figure 6, for shutting off the vehicle motor when not in a closed position, further including a remote or radio kill switch option, see Column 4, lines 9-10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention taught by Gray and Musat, to include a "kill switch" for

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quickly disabling the motor vehicle, so that either the user or an adult near by can "halt" the progress of the vehicle in an emergency situation to prevent injury and also providing a roll cage for preventing injury during tipping.

It would have been obvious to one of ordinary skill in the art at the time the invention was made it would have further been obvious to provide a seat belt, as, seatbelts are well known in the art and the Examiner takes Official Notice to the common nature of including seatbelts for child safety in vehicles.

With regards to the body of the vehicle being capable of being provided in different shapes, it would have been an obvious matter of design choice to vary the body style since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gray (US 1,381,870) in view of Musat (US 6,202,779) and Gift (US 6,349,786) as applied to claim 1 above, and further in view of Ijima (US 3,930,555).

Ijima teaches a vehicle having a pressure sensitive switch (82) located in the seat (84) being an open circuit when the driver is not in the seat and a closed circuit when the driver is in the seat.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the kill switch taught by Gray modified by Musat and Gift, to "kill" the motor upon response from the pressure sensor switch taught by Ijima, in

order to provide a child vehicle with automatic shut off for preventing further injury should the child rider have a collision.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gray (US 1,381,870) in view of Musat (US 6,202,779) and Gift (US 6,349,786) as applied to claim 1 above, and further in view of Stemer (US 6,364,433).

Stemmer teaches a device (22) in combination with sensors (20,21) capable of braking a vehicle when a collision is detected by the sensors.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the kill switch taught by Gray modified by Musat and Gift, to "kill" the motor upon response from bump switch sensors as taught by Stemer, in order to provide a child vehicle with automatic shut off for preventing further injury should the child rider have a collision.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gray (US 1,381,870) in view of Musat (US 6,202,779) and Gift (US 6,349,786) as applied to claim 1 above, and further in view of Carpenter (US 4,456,277).

Carpenter teaches a child vehicle having strobe light indicators, see Column 6, lines 54-57.

It would have been obvious to modify the invention of Gray, Musat and Gift to include strobe lights for providing safety lighting for the user for warning approaching

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traffic of the child user's approach, when visibility is limited or during night travel.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gray (US 1,381,870) in view of Musat (US 6,202,779) and Gift (US 6,349,786) as applied to claim 1 above, and further in view of Collender (US 2,548,949).

Collender teaches a steerable vehicle axle provided with dual wheels or tires (22,24) for improved steering and maneuverability of a vehicle.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention taught by Gray in view of Musat and Gift to include dual wheels as taught by Collender, to increase the vehicles handling capabilities for a more comfortable and safe ride.

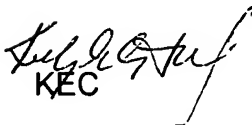
Conclusion

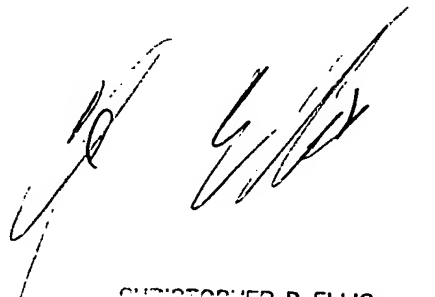
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly E. Campbell whose telephone number is (571) 272-6693. The examiner can normally be reached on 9:00-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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